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STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the matter of:

COSUMNES POWER
PLANT PROJECT

DOCKET NO: 01-AFC-19

OPENING BRIEF
FOR GROUP 1 HEARINGS

BY MICHAEL ROSKEY

The staff of the Energy Commission and the Sacramento Metropolitan Air Quality Management District and the applicant have provided a series of demonstrations based on established tests, criteria, models, requirements and goals that purport to show that the proposed project at Rancho Seco would not contribute to any significant deterioration in the environment or quality of life of the area.

In fact, what has been produced is the equivalent of a roadside magic show where what is obvious to any observer -- natural gas will go into the plant and emissions of various sorts will come out and that a variety of lands that now provide habitat for wildlife will now provide geographic footing for machinery and receptacles for waste products -- is made to disappear behind screens of regulations meant to focus our vision on the facts and figures, or supposed compensatory mitigations, before us.

The following points from the testimony of March 12, reminds us what the construction and operation of a natural gas powered generating plant at Rancho Seco would actually mean:

In the testimony of Mr. Krebs, he states that secondary particulate formation "wasn't part of the risk analysis" performed by the Sacramento Metropolitan Air Quality Management District staff. (page 25) Estimates of PM10 and PM2.5 pollution are subjects of speculation by the experts called by the Energy Commission and the applicant who admit that they do not really know with any precision about the conversion ratios of emission products, the amounts of PM10 relative to PM2.5 and smaller or their dispersion in the atmosphere of the area. According to Mr. Rubinstein, "The photochemistry involving PM10 and PM2.5 formation is very complicated. Most of what we breathe as PM10 is not directly emitted as PM10." (page 128)

In the testimony of Mr. Rubenstein, he admits that "the project would contribute to existing violations of the state and federal standards for ozone and would contribute to existing violations of the state standard for PM10." (page 29) Here no mention is made of mitigations, and rightly so. The unclouded truth is that air quality will worsen beyond what is already inadmissible by antiquated rules.

According to Mr. Rubenstein, "there is relatively less benefit to reducing ammonia emissions with respect to PM10 or PM2.5 formation. And that there is relatively greater benefit to reducing emissions of precursors such as sulfur dioxide and nitrogen oxides." (p. 50) If the effects are not quantifiable, and only relative, and given the developing evidence of the pernicious effects of particulate pollution, the arguments of the applicant that an ammonia slip ratio of only 10 ppm and of staff of 5 ppm should be required, and that no wood stove replacement program should be required, do not address the danger that the pollution that the proposed project would produce.

In the testimony of Mr. Layton, he states that "we believe that given the population growth and other industries coming into the area, that this project can contribute to potential violations of that PM2.5 standard." (page 160) To no one's credit, Mr. Layton understates

the obvious: the Commission staff and the applicant have preferred to bow to the "inevitability" of growth while shrugging their shoulders at the consequences for the population that must live and work in the environment that is created.

The applicant has disputed the need for reporting requirements recommended by staff and recommended instead that it only need report when there are violations of conditions set by the Commission. Both assume that the essential issue is the need to meet current regulations, and, for that reason, the applicant may argue that the Commission is hewing to bureaucratic assiduity. The reporting requirements are essential, however, for a public unconvinced that these regulations will address the actual consequences of the implementation of this project.

The applicant fondly reminds us of the infrastructure that exists at the site of Rancho Seco, and seeks sympathy for the waste that it represents while it lays fallow. Since an irate public forced closure of the nuclear plant at the same site several years ago, the applicant has endeavored to reenlist the support of the community with environmentally productive technologies in the conservation and production of energy. With the proposal for a natural gas powered generating plant, the applicant has returned to its mimicry of the industry as a whole, abandoning the technologies that could lead our region and the country forward. The Commission can force the applicant to create electrical generating plants that do not degrade the environment and it should do so by rejecting this project. Failing that, it should add to the conditions proposed by its staff, an effective program of wood burning stove reductions in the area.

M. Reilly
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